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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/668,617
Filing Date: September 23, 2003
Appellant(s): RUSSELL, ALICIA MARIE

MAILED

JAN 11 2008

Technology Center 2600

Chad M. Herring
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/26/07 appealing from the Office action mailed 5/4/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,856,806	Bosik et al.	02-2005
2003/0092451 a1	Holloway et al.	05-2003
6,574,470	Chow et al.	06-2003

6,609,006	Mori, Daisuke	08-2003
6,188,888 B1	Bartle et al.	02-2001
4,768,224	Waldman, Herbert H.	08-1988

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 36 is rejected under 35 U.S.C. 102(b) as being anticipated by **Holloway et al. (U.S. Pub.**

No.: US 2003/0092451 A1)

Consider **claim 36**, Holloway et al., teach a wireless beacon **220 (figure 2)** comprising: a transmitter configured to provide a wireless beacon coverage area (**figure 2, paragraphs 0016 and 0017**); and a wireless communication interface configured to wirelessly transmit a unique identification of the wireless beacon to a wireless mobile device located within the wireless beacon coverage area (**paragraph 0020**), wherein when the unique identification is an expected value, the wireless mobile device selects an alternate network address corresponding to the unique identification and forwards external communications to the alternate destination address for the receipt of external communication while the wireless mobile device is within the wireless beacon coverage (i.e., the ability to override the transfer of calls can be programmed into a

button and thus in this regard a selection is made regarding the forwarding. Holloway et al. further discloses that when a transmitter is installed, it is programmed with the phone number of the preferred phone. This preferred phone number is then transmitted as part of its signal. Mobile phone 230 is equipped to receive signals in the frequency of the transmitter 220 and is programmed to recognize a signal that is meant for it. Holloway et al. also discloses in paragraph 0022 that a single transmitter can be programmed to recognize different mobile phones associated with it and to transfer each mobile phone to a different extension)(i.e., see paragraph 0017,0019, 0021, 0022, and 0029).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1, 3-4, 7, 9-13, 15, 20-25, 39, and 45** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Holloway et al. (U.S. Pub. No.: US 2003/0092451 A1)** in view of **Bartle et al. US Patent No.: 6,188,888 B1**, hereinafter, 'Bartle'.

Consider **claim 1**, Holloway et al., teach a system with a wireless beacon (i.e., a preferred phone transmitter **220**)(**figure 2**) to provide wireless data communication with a mobile telephone **230,540** (**figure 5**) to detect a location of the mobile telephone within a wireless detection area provided by the wireless beacon **220** (**figure 5, paragraph 0019, and 0020**); and a communication interface **230** (i.e., within the mobile phone)(**figure 5**) to selectively send a call forwarding message to a cellular switch **210** (i.e. within the cellular system) based on an evaluation of a value received from the wireless beacon(i.e., the ability to override the transfer of calls can be programmed into a button and thus in this regard a selection is made regarding the forwarding. Holloway et al. further discloses that when a transmitter is installed, it is programmed with the phone number of the preferred phone. This preferred phone number is then transmitted as part of its signal. In light of the applicants specification paragraphs 0022 and 0023 selectively also reads on rather the mobile chooses to activate the call forwarding by sending. In this regard selectively also reads on the Mobile phone 230 ability to receive signals in the frequency of the transmitter 220 and is programmed to recognize a signal that is meant for it. Since the phone has to make a choice to transmit based on at least recognizing the signal, the paragraphs cited reads on the claimed limitation in light of the description)(i.e., see **paragraph 0017 and 0021**), the call forwarding message to provide an instruction to route future calls destined for the mobile telephone to an alternate network address (**paragraph 0017-0020**).

Wherein selectively sending a call forwarding message based on the evaluation of a value received from the wireless beacon comprises comparing the value received from the wireless beacon to identify the alternate network address (i.e., Holloway et al. further discloses that when a transmitter is installed, it is programmed with the phone number of the preferred phone. This preferred phone number is then transmitted as part of its signal. In light of the applicants specification paragraphs 0022 and 0023 selectively also reads on rather the mobile chooses to activate the call forwarding by sending. In this regard selectively also reads on the Mobile phone 230 ability to receive signals in the frequency of the transmitter 220 and is programmed to recognize a signal that is meant for it. Since the phone has to make a choice to transmit based on at least recognizing the signal, the paragraphs cited reads on the claimed limitation in light of the description given the applicants specification)(i.e., see **paragraph 0017 and 0021**).

However, Holloway et al. does not teach a lookup table accessible to the communication interface to identify the alternate network address.

In analogous art, Bartle teaches a lookup table accessible to the communication interface to identify the alternate network address (i.e., see at least col. 7 lines 50 –61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. to include a lookup table accessible to the communication interface to identify the alternate network address as taught by Bartle.

Consider **claim 3**, Holloway et al. teach a method of selecting a destination telephone 240,540 (**figure 2 and figure 5**)), the method comprising: detecting a location of a mobile phone 230 (**figure 2 and figure 5**) within a wireless detection area provided by a wireless beacon 220 (**abstract**); receiving an identification value from the wireless beacon (i.e., see paragraph 0017);

determining whether the wireless beacon is a recognized wireless beacon based on the identification value (see response to arguments in addition t paragraphs 0017 and 0020) and after determining that the wireless beacon is a recognized wireless beacon, evaluating based on the value received from the wireless beacon (i.e., see paragraph 0017).

However, Holloway et al. does not specifically teach selecting a destination telephone from a lookup table within the mobile phone.

In analogous art, Bartle teaches selecting a destination telephone from a lookup table within the mobile phone (i.e., see at least col. 7 lines 50 –61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. to include selecting a destination telephone from a lookup table within the mobile phone as taught by Bartle.

Consider **claim 4** and **as applied to claim 3 above**, Holloway et al. as modified by Bartle teach a method wherein the destination telephone is associated with a landline telephone number (i.e., the mobile phone is forwarded to a preferred phone that is tied into the PSTN)(**paragraph 0016**).

Consider **claim 7** and **as applied to claim 3 above**, Holloway et al. as modified by Bartle teach wherein detecting the location of a mobile telephone is based upon communication using a wireless data protocol (i.e., Bluetooth is considered to be a short ranged wireless data communications protocol) (**abstract**).

Consider **claim 9** and **as applied to claim 7 above**, Holloway et al., as modified by Bartle teach wherein the wireless data protocol is compliant with the Bluetooth standard (**Abstract, paragraph 0019**)

Consider **claim 10** and **as applied to claim 3 above**, Holloway et al. as modified by Bartle teach a method further comprising sending a call forwarding message to a wide area switch **410** (i.e., within MSC)(**figure 4**) having a communication path targeted to the mobile telephone based on an evaluation of a value received from the wireless beacon(i.e., the ability to override the transfer of calls can be programmed into a button and thus in this regard a selection is made regarding the forwarding. Holloway et al. further discloses that when a transmitter is installed, it is programmed with the phone number of the preferred phone. This preferred phone number is then transmitted as part of its signal. Mobile phone 230 is equipped to receive signals in the frequency of the transmitter 220 and is programmed to recognize a signal that is meant for it)(i.e., see **paragraph 0017 and 0021**), the call forwarding message providing an instruction to route future calls destined for the mobile telephone to the destination phone (**paragraph 0017**), wherein the call forwarding message is communicated to the wide area switch using a wireless data message protocol (i.e., a GSM protocol)(**paragraph 0020**)

Consider **claim 11** and **as applied to claim 10 above**, Holloway et al. as modified by Bartle teach a method wherein the wireless data message protocol is the Short Messaging Service(SMS) protocol(i.e., the method can be used with phones which comply with the standards set by GSM. Considering that the embodiments are using GSM phones it is inherent that the SMS can be utilized since SMS was created as part of the GSM phase 1 standard)(**paragraph 0020**)

Consider **claim 12** and **as applied to claim 10 above**, Holloway et al. as modified by Bartle teach a method wherein the wireless data message is sent on a packet channel utilizing a protocol selected from the group consisting of GSM, General packet Radio Service (GPRS),

Universal Mobile Telecommunication System (UMTS), and CDMA (**paragraph 0020**) (i.e., The method can be used with phones which comply with the standards set by GSM, as well as non-GSM phones).

Consider **claim 13**, Holloway et al. teach a method of routing a call request (**paragraph 0016**), the method comprising: receiving at a wireless mobile communication device **230** (**figure 2**) and identifier from a source **220** (**figure 5**) over a first wireless connection (i.e., Bluetooth Personal Area Network (PAN)); determining whether the identifier comprises a recognized identifier (i.e., **paragraph 0017**) and communicating to a wireless switch **210** (**figure 4**), when the identifier comprises a recognized identifier (i.e., mobile phone 230 is equipped to receive signals in the frequency of the transmitter 220 and is programmed to recognize a signal meant for it)(**paragraph 0017**), a request to forward voice communications to the wireless mobile communication device **230** to an alternate communication device **240** (**figure 2**)(**paragraph 0014-paragraph 0016, figure 3, and figure 6**).

However, Holloway et al. does not teach a lookup table accessible to the wireless mobile device.

In analogous art, Bartle teaches a lookup table accessible to the wireless mobile device. (i.e., see at least col. 7 lines 50 –61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. to include a lookup table accessible to the wireless mobile device as taught by Bartle.

Consider **claim 15**, and as applied to **claim 13** above, Holloway et al. as modified by Bartle teach a method wherein the wireless mobile communication device **230** (**figure 2**) is a

cellular phone and wherein the request to forward voice communication is issued automatically (i.e., automatic forwarding without user intervention)(**abstract**).

Consider **claim 20** and **as applied to claim 13 above**, Holloway et al. as modified by Bartle teach a method wherein the mobile communication device **230** receives the identifier using a Bluetooth receiver (**paragraph 0019**).

Consider **claim 21**, and **as applied to claim 13 above**, Holloway et al. as modified by Bartle teach a method wherein the source is proximal to the wireless mobile communication device **230** (**abstract and figure 2**).

Consider **claim 22** and **as applied to claim 13 above**, Holloway et al. as modified by Bartle teach a method further comprising the step of determining to withdraw the request to forward voice communication requests (**figure 6 and paragraph 0020**).

Consider **claim 23** and **as applied to claim 22 above**, Holloway et al. as modified by Bartle teach a method wherein the request is withdrawn when the mobile device no longer receives the identifier (**figure 6 and paragraph 0020**).

Consider **claim 24** and **as applied to claim 22 above**, Holloway et al. as modified by Bartle teach a method wherein the request is withdrawn in response to a user action (**paragraph 0021**).

Consider **claim 25** and **as applied to claim 24 above**, Holloway et al. as modified by Bartle teach a method wherein the user action is a key sequence (**paragraph 0021**).

Consider **claim 39** and **as applied to claim 1 above**, Holloway et al. as modified by Bartle teach the claimed invention further comprising a device associated with the alternate network address capable of receiving forwarded calls and capable of providing a distinctive

notification of receipt of a forwarded call (i.e., the phone is **capable of ringing**)(paragraphs 0017-0022).

Consider **claim 45** and as applied to **claim 36 above**, Holloway et al. teach a mobile device associated with alternate network addresses.230 (i.e., see figures).

However, Holloway et al. does not specifically teach a look up table of recognized unique identifiers.

In analogous art, Bartle teaches a look up table of recognized unique identifiers (i.e., see at least col. 7 lines 50 –61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. to include a look up table of recognized unique identifiers as taught by Bartle for the purpose of forwarding calls.

Claims **32-35, and 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Holloway et al. (U.S. Pub. No.: US 2003/0092451 A1)** in view of **Bartle et al. US Patent No.: 6,188,888 B1**, hereinafter, 'Bartle' and further in view of **Waldman US Patent No.: 4,768,224**.

Consider **claim 32**, Holloway et al. teach a system comprising: a first wireless telephone 230 (**figure 2**) configured to communicate using a wide area wireless protocol (i.e., a GSM protocol) (**paragraph 0020**) and configured to communicate using a proximal wireless protocol (i.e., a Bluetooth protocol)(**paragraph 0019**), the first wireless telephone including a call forward module (i.e., the third circuitry) (**Claim 1**); the call forward module including logic associated with a wireless beacon (paragraph 0017);and a first wireless beacon device (i.e., the preferred phone transmitter **220**) (**figure 2**) associated with a first alternate network address **240** (i.e., address of the preferred phone) and configured to communicate with the first wireless

telephone using a proximal wireless protocol (i.e., Bluetooth protocol) (**paragraphs 0015 and 0016**), the call forward module of the wireless telephone configured to send a first call forward message using the wide area wireless protocol when the first wireless telephone receives a first wireless beacon identifier of the first wireless beacon device (i.e., Holloway et al. further discloses that when a transmitter is installed, it is programmed with the phone number of the preferred phone. This preferred phone number is then transmitted as part of its signal. Mobile phone 230 is equipped to receive signals in the frequency of the transmitter 220 and is programmed to recognize a signal that is meant for it)(i.e., see **paragraph 0016, 0017 and 0021**), the first call forward module message directing that calls addressed to the first wireless telephone be redirected to the first wireless network address associated with the first wireless beacon identifier (**paragraph 0016 and 0017**).

However, Holloway et al. does not specifically teach a table of alternate network addresses associated with recognized identifiers.

In analogous art, Bartle teaches a table of alternate network addresses associated with recognized identifiers (i.e., binary logic signals) (i.e., see at least col. 7 lines 50 –61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. a table of alternate network addresses associated with recognized identifiers (i.e., binary logic signals) for the purpose of forwarding as taught by Bartle.

However, Holloway et al. as modified by Bartle does not specifically teach a cancel call forward module.

In analogous art, Waldman teaches a cancel call forward module (i.e., see at least col. 8 line 60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. as modified by Bartle to include a cancel call forward module for the purpose of canceling call forwarding as taught by Waldman.

Consider **claim 33** and **as applied to claim 32 above**, Holloway et al. as modified by Bartle and further modified by Waldman teach a system wherein the cancel call forward module (i.e., transmitter 220 and mobile phone 230) (figure 2) is configured to send a cancel call forward message using a wide area wireless protocol after detecting that the wireless telephone has moved out of range of the e wireless beacon (i.e., transmitter 220)(**figure 2**) coverage area.

Consider **claim 34**, and **as applied to claim 32 above**, Holloway et al. teach a system further comprising a second wireless telephone 540 (**figure 5**), the second wireless telephone configured to communicate using a wide area wireless protocol and the proximal wireless protocol (i.e., Bluetooth protocol), the second wireless telephone including logic to associate a recognized wireless beacon (paragraph 0017), the second wireless telephone **540** configured to send a second call forward message after receiving the recognized first wireless beacon identifier (**figure 5, paragraphs 0019 – 0022**).

However, Holloway et al. does not specifically teach a table of alternate network addresses associated with recognized identifiers.

In analogous art, Bartle as modified by Waldman teaches a table of alternate network addresses associated with recognized identifiers (i.e., binary logic signals) (i.e., see at least col. 7 lines 50 –61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. a table of alternate network addresses associated with recognized identifiers (i.e., binary logic signals) for the purpose of forwarding as taught by Bartle as modified by Waldman.

Consider **claim 35** and as **applied to claim 32 above**, Holloway et al. as modified by Bartle and further modified by Waldman teach a system further comprising a second wireless beacon (i.e., see Holloway et al. paragraph 0022, according to the applicants specification paragraph 0030 the beacons are identical in terms of utility, but placed in different locations and therefore are identical to the additional beacon that can be placed in other locations as described by Holloway et al. in paragraph 0022) associated having a second wireless beacon identifier associated with a second alternate network the second wireless beacon configured to communicate with the first wireless telephone using the proximal wireless protocol the call forward module of the first wireless telephone configured to send a second call forward message using the wide area wireless protocol when the first wireless telephone receives the second wireless beacon identifier the second call forward message directing that calls addressed to the first wireless telephone be directed to the second alternate network address (i.e., see Holloway et al. paragraph 0022, according to the applicants specification paragraph 0030 the beacons are identical in terms of utility, but placed in different locations and therefore are identical to the additional beacon that can be placed in other locations as described by Holloway et al. in paragraph 0022).

Consider **claim 43** and as **applied to claim 34 above**, Holloway et al. as modified by Bartle and further modified by Waldman teach further comprising a device associated with the

first alternate network address capable of receiving forwarded calls and capable of providing a first distinctive notification of receipt of a first call redirected from the first wireless telephone and a second distinctive notification of receipt of a second call redirected from the second wireless telephone (i.e., the phone is **capable of ringing**)(paragraphs 0017-0022).

Claims **8, 16, 18-19, and 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Holloway et al. (US Patent Pub. No. 2003/009451 A1)** in view of **Bartle et al. US Patent No.: 6,188,888 B1**, hereinafter, 'Bartle' and further in view of well known prior art (**MPEP 2144.03**).

Consider **claim 8** and **as applied to claim 7 above**, Holloway et al. as modified by Bartle disclose that the invention can be implemented using various protocols (paragraph 0016).

However, Holloway et al. as modified by Bartle disclose does not specifically disclose that the invention uses a data protocol that is 802.11 std. compliant.

Nonetheless, the Examiner takes Official Notice of the fact that it is notoriously well known in the art that IEEE 802.11 are well known standards that are applied to a wireless interface. Therefore, as suggested by Holloway et al., it would have been obvious to a person of ordinary skill in the art at the time the invention was made to operate the teachings of Holloway et al. as modified by Bartle disclose for a 802.11 compliant protocol. Since these standards are well know in the art and with the teachings of Holloway et al. the range, bandwidth, throughput, and latency of the device can be modified accordingly to improve the performance of the system as a whole.

Consider **claim 16** and **as applied to claim 13 above**, Holloway et al. as modified by Bartle disclose that the invention can be implemented using various protocols (**paragraph 0016**).

However, Holloway et al. as modified by Bartle does not specifically disclose that the invention uses a data protocol that is 802.11 std. compliant.

Nonetheless, the Examiner takes Official Notice of the fact that it is notoriously well known in the art that IEEE 802.11 is well known standards that are applied to a wireless interface. Therefore, as suggested by Holloway et al. and modified by Bartle, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to operate the teachings of Holloway et al. for a 802.11 compliant protocol. Since these standards are well know in the art and with the teachings of Holloway et al. the range, bandwidth, throughput, and latency of the device can be modified accordingly to improve the performance of the system as a whole.

Consider **claim 18** and **as applied to claim 13 above**, Holloway et al. as modified by Bartle disclose that the invention can be implemented using various protocols (**paragraph 0016**) and non-GSM phones (**paragraph 0020**).

However, Holloway et al. as modified by Bartle does not specifically disclose that the transmitter utilizes Universal Mobile telecommunication System.

Nonetheless, the Examiner takes Official Notice of the fact that it is notoriously well known in the art that Universal Mobile telecommunication System is well known standards that are applied to a wireless interface.

Therefore, as suggested by Holloway et al. and modified by Bartle it would have been obvious to a person of ordinary skill in the art at the time the invention was made to operate the teachings of Holloway et al. for a Universal Mobile telecommunication System. Since these standards are well know in the art and with the teachings of Holloway et al. the range,

bandwidth, throughput, and latency of the device can be modified accordingly to improve the performance of the system as a whole.

Consider **claim 19** and **as applied to claim 13 above**, Holloway et al. as modified by Bartle disclose that the invention can be implemented using various protocols (**paragraph 0016**) and non-GSM phones (**paragraph 0020**).

However, Holloway et al. as modified by Bartle does not specifically disclose that the device utilizes General Packet Radio Service.

Nonetheless, the Examiner takes Official Notice of the fact that it is notoriously well known in the art that General Packet Radio Service is well known standards that are applied to a wireless interface. Therefore, as suggested by Holloway et al. and modified by Bartle, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to operate the teachings of Holloway et al. as modified by Bartle for a General Packet Radio Service. Since these standards are well know in the art and with the teachings of Holloway et al. as modified by Bartle the range, bandwidth, throughput, and latency of the device can be modified accordingly to improve the performance of the system as a whole.

Consider **claim 38** and **as applied to the system of claim 1**, Holloway et al. as modified by Bartle teach wherein the mobile telephone comprises a phone capable of communicating via a wireline network and the alternate network address is a network address of the mobile telephone on the wireline network (i.e., see paragraphs 0017-0022).

However, Holloway et al. as modified by Bartle does not specifically teach wherein the phone is a multimode phone multi-mode.

Nonetheless, the Examiner takes Official Notice that multi-mode phones are notoriously well known in the art.

Therefore, as suggested by Holloway et al. and modified by Bartle, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to operate the teachings of Holloway et al. as modified by Bartle to use multimode phones. Since these phones are well known in the art.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Holloway et al. (U.S. Pub. No.: US 2003/0092451 A1)** in view of **Bartle et al. US Patent No.: 6,188,888 B1**, hereinafter, 'Bartle' and further in view of **Waldman US Patent No.: 4,768,224** and further in view of well known prior art (**MPEP 2144.03**).

Consider claim 40 and as applied to the system of claim 32, Holloway et al. as modified by Bartle and further modified by Waldman teach wherein the mobile telephone comprises a phone capable of communicating via a wireline network and the alternate network address is a network address of the mobile telephone on the wireline network (i.e., see paragraphs 0017-0022).

However, Holloway et al. as modified by Bartle and further modified by Waldman does not specifically teach wherein the phone is a multimode phone multi-mode.

Nonetheless, the Examiner takes Official Notice that multi-mode phones are notoriously well known in the art.

Therefore, as suggested by Holloway et al. and modified by Bartle and further modified by Waldman, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to operate the teachings of Holloway et al. as modified by Bartle and further modified by Waldman to use multimode phones. Since these phones are well known in the art. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Holloway et al. (U.S. Pub. No.: US 2003/0092451 A1)** in view of **Bartle et al. US Patent No.: 6,188,888 B1**, hereinafter, 'Bartle' and further in view of in view of **Bosik et al. (U.S. Patent No: 6,856,806 B1)**

Consider **claim 26** and as applied to **claim 24** above, Holloway et al. as modified by Bartle teach a method wherein a request is withdrawn in response to a user action (**paragraph 0021**).

However, Holloway et al. as modified by Bartle does not specifically disclose the method wherein a user action is a voice request.

In the same field of endeavor Bosik et al. teach a method wherein the user action (i.e., responding to voice prompt with a 'yes' or 'no') is a voice request (**column 5 –column 6 line 30 and figure 7**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the user action with a voice prompt as taught by Bosik et al. in order to increase the functionality of the phone such as voice response.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Holloway et al. (US Patent Pub. No. 2003/009451 A1)** in view of **Chow et al. (U.S. Patent No.: 6,574,470)**

Consider **claim 37** and as applied to **claim 36** above, Holloway et al. teach a wireless beacon **220 (figure 2)** comprising: a transmitter configured to provide a wireless beacon coverage area (**figure 2, paragraphs 0016 and 0017**); and a wireless communication interface

configured to provide a unique identification to the wireless mobile device located within the wireless beacon coverage area (**paragraph 0020**), the unique identification allowing the wireless mobile device **230 (figure 2)** to associate an alternate network destination address for the receipt of external communication while the wireless mobile device is within the wireless beacon coverage area (**paragraphs 0019 and 0020**).

However, Holloway et al. does not disclose the unique identification is represented by a color code.

In the same field of endeavor, Chow et al., discloses a Digital verification color code to identify when a requested mobile unit is one a particular traffic channel (i.e., on the channel identified by the wireless beacon)(**column 37 lines 55-60**).

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to include a color code as taught by Chow et al. for the purpose of verifying the identity of a wireless device within the proximity. Adding the digital color code to the invention would have been useful in providing an additional layer of security.

Claim **27** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Holloway et al. (U.S. Pub. No.: US 2003/0092451 A1)** in view of **Bartle et al. US Patent No.: 6,188,888 B1**, hereinafter, 'Bartle' and further in view of **Mori US Patent No.: 6,609,006 B1**.

Consider **claim 27**, Holloway et al. as modified by Bartle teach a system comprising: a wireless communication device **230 (figure 2)** comprising a first receiver (i.e., first circuitry) to facilitate telephone conversation using a first wireless protocol (**claim 1 and claim 2**); second receiver (i.e., second circuitry) to facilitate monitoring wireless information using a second protocol wireless protocol (**claim 1 and claim 3**) and a communications interface (i.e., within the

mobile phone) comprising: circuitry to provide request to forward communication to an alternate communication device (step 320), wherein the alternate communication device is proximal to the transmitter of the recognized transmitter identifier (**claims 1,4, and 5**) and wherein a network address of the alternate communication device is determined based on the recognized transmitter identifier (paragraph 0017); and circuitry to provide a request to provide communication requests to cease forwarding communications to the alternate communication device(**i.e., step 350**).

However, Holloway et al. as modified by Bartle does not specifically teach a first and second controller.

In analogous art, Mori teaches a first (**131 figure 1**) and second (**132 figure 1**) control.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. as modified by Bartle to include a first and second controller for the purpose of providing control logic and transmitting request as taught by Mori.

Claims **41-42** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Holloway et al.** (U.S. Pub. No.: **US 2003/0092451 A1**) in view of **Bartle et al.** US Patent No.: **6,188,888 B1**, hereinafter, 'Bartle' and further in view of **Waldman** US Patent No.: **4,768,224** and further in view of **Admitted Prior Art MPEP 2129**.

Consider **claim 41** and **as applied to claim 32 above**, Holloway et al. as modified by Bartle and further modified by Waldman teach the claimed invention except wherein the first wireless beacon identifier comprises a user selected identifier.

However, Applicants admission in paragraph 0026 of the specification teaches *various methods exist for provisioning the beacon identifier and public key within the mobile device.*

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. as modified by Bartle and further modified by Waldman to include wherein the first wireless beacon identifier comprises a user selected identifier as taught in the prior art admissions by the applicant for the purpose of security.

Consider **claim 42** and as applied to **claim 32** above, Holloway et al. as modified by Bartle and further modified by Waldman teach the claimed invention except wherein the first wireless beacon is further configured to request a recognized user password before sending the first wireless beacon identifier.

However, Applicants admission in paragraph 0026 of the specification teaches *various methods exist for provisioning the beacon identifier and public key within the mobile device.*

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. as modified by Bartle and further modified by Waldman to include wherein the first wireless beacon is further configured to request a recognized user password before sending the first wireless beacon identifier as taught in the prior art admissions by the applicant for the purpose of security.

Claims **41-42** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Holloway et al.** (U.S. Pub. No.: US 2003/0092451 A1) in view **Admitted Prior Art MPEP 2129.**

Consider **claim 44** and as applied to **claim 36** above, Holloway et al. teach the claimed invention except wherein the first wireless beacon identifier comprises a user selected identifier.

However, Applicants admission in paragraph 0026 of the specification teaches *various methods exist for provisioning the beacon identifier and public key within the mobile device.*

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Holloway et al. to include wherein the first wireless beacon identifier comprises a user selected identifier as taught in the prior art admissions by the applicant for the purpose of security.

(10) Response to Argument

Regarding claim 36 Appellant argues Holloway does not disclose or suggest that when a unique identification/s an expected value, a wireless mobile device selects an alternate network destination address corresponding to the unique identification and forwards the communications to the alternate network destination address, as recited in claim 36.

However, the Examiner respectfully disagree. Claim 36 recites a wireless beacon comprising: a transmitter configured to provide a wireless beacon coverage area; and a wireless communication interface configured to wirelessly transmit a unique identification of the wireless beacon to a wireless mobile device located within the wireless beacon coverage area, wherein, when the unique identification is an expected value, the wireless mobile device selects an alternate network destination address corresponding to the unique identification and forwards external communications to the alternate network destination address while the wireless mobile device is within the wireless beacon coverage area.

A close inspection of claim 36 reveals that the Appellant specifically claims an Apparatus (i.e., the wireless beacon). The operation of the wireless mobile device selecting an alternate network etc. is noted as functional language. As stated in the claims, the wireless beacon (i.e., the

claimed invention of claim 36) comprises a transmitter configured to provide a wireless beacon coverage area and a wireless communication interface configured to wirelessly transmit a unique identification of the wireless beacon to a wireless mobile device located within the wireless beacon coverage area. It is understood from Holloway that the (1) a wireless communication interface configured to wirelessly transmit a unique identification of the wireless beacon to a wireless mobile device located within the wireless beacon coverage area wherein, when the unique identification is an expected value, the wireless mobile device selects an alternate network destination address corresponding to the unique identification and forwards external communications to the alternate network destination address while the wireless mobile device is within the wireless beacon coverage area: in other words the identification is unique to the phone and the transmitter, otherwise, every wireless device within the vicinity of the prior art would react accordingly. It appears from the Applicants arguments that the prior art cannot discriminate and there is no correspondence between uniquely identifying what is being transmitted and the alternate address. However, it appears that if the assertion of the Appellant's argument was correct then there would be no way of discriminating between transmitters, mobile devices and alternate destinations. Furthermore, interfaces (phone and beacon) must be able to distinguish between one another e.g., how would a mobile phone know to ignore a beacon signal transmitted from a beacon that belongs to someone else (i.e., being selective about when to forward based on the signal received because the mobile is not in the vicinity of a transmitter it can recognize). The unique identification must be an expected value or the system would erroneously forward calls to unknown destinations based on any signal in any frequency band. Therefore, based on the claimed subject matter of claim 36 (i.e., the wireless beacon) the

Examiner respectfully submit that the prior art of record still reads on the claimed wireless beacon.

Regarding Claim 1,

Applicant argues that Holloway does not disclose or suggest determining whether the wireless beacon is recognized and identifying an alternate network address based on a value received from a wireless beacon. The Appellant elaborates that since claim 1 recites using one value for both determining whether the wireless beacon is recognized. The Examiner notes that nowhere in the claim language of claim 1 does it explicitly state using one value for both determining whether the wireless beacon is recognized and to identify the alternate address. Furthermore, for the sake of argument, The Examiner notes that even if the claims explicitly stated (which they do not) " using one value for both determining whether the wireless beacon is recognized and to identify the alternate address" even the Appellant's interpretation (see page 9 line 17) of the prior art would read on the limitation. The Appellant asserts that rather, Holloway discloses determining whether the phone and the transmitter are intended to work together based on a first signal, and receiving a telephone number associated with the transmitter via a second signal and therefore does not read on the one value for determining both recognition and an alternate address. Holloway states in paragraph 0020 that "a signal is received to forward calls", based on the first signal to forward calls subsequent actions takes place to identify the alternate network address, however the subsequent actions are based on the value of the first signal. In other words, in claim 1 a value of a first signal must be used for comparing and based on the comparing results two additional actions must take place based on the value 1) determination of

whether the wireless beacon is recognized and 2) identify an alternate address. Claim 1 outlines that a value is used for comparing the value. Therefore, the claim language outlines how the value is used, but does not restrict how the determining of whether the wireless beacon is recognized and to identify the alternate address to the first signal only. In claim 1 the value is compared to make a determination, but based on the manner in which the claim is written the determination is not restricted solely to the value. In other words, if the proper values are received the determination can take place using a multiplicity of signals based on the first value.

Appellant argues Bartle also does not disclose the above argued feature of claim 1.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding claim 3, The Appellant argues separate signals. That is, Holloway does not disclose or suggest determining whether a wireless beacon is a recognized wireless beacon based on an identification value, and selecting a destination telephone from a look up table within a mobile phone based on the identification value received from the wireless beacon, as recited in claim 3. Holloway discloses determining whether the phone and the transmitter are intended to work together, and receiving a telephone number associated with the transmitter via multiple separate signals.

However, with respect to the Examiners argument above, Claim 3 explicitly states that after determining that the wireless beacon is recognized...selecting a destination phone number...based on the identification value received. Therefore, the Examiner respectfully notes that the

subsequent actions (i.e., TX/RX signals) of Holloway are based on (i.e., associated) to what is received in the first signal (e.g., an identification value). (i.e., any value that can be recognized and expected. Meaning that according to paragraph 0017 the signal is a unique value since the phone is programmed to recognize a signal that is meant rather the value is based on the signal frequency, amplitude, encoding etc., the value is unique based on the explicit statement by Holloway that the device is programmed to recognize a signal meant for it in contrast to accepting any radio wave or signal), a wireless mobile device selects an alternate network destination address corresponding to the unique identification and forwards external communications to the alternate network destination address (i.e., even if the alternate destination is selected from the encoded or unique signal. It would read upon the claimed limitation. The device has to decode/recognize the unique signal and then extract or select the alternate address from the signal which must be selected from amongst other data and information sent within the signal). Based on the language of the claims one is not limited to where or what the alternate address is selected from as long as the alternate address corresponds to the unique identification. In the immediate case the alternate address has a direct correspondence to the value of a predetermined signal (i.e., expected).

Appellant argues Bartle also does not disclose the above argued feature of claim 3.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding Claim 13, The Appellant argues that Holloway nor Bartle teaches determining whether an identifier comprises a recognized identifier based on a look up table.

However, The Examiner respectfully disagree. Bartle teaches in at least col. 7 lines 50 –61) that in response to the signals delivered across contacts 270, the CPU 298 may be programmed to access a look up table or other appropriate memory location (e.g., call forwarding memory 26 of FIG. 1) to retrieve the call forwarding number that is associated with the particular switch position of the switch 252. Once that number has been retrieved from memory, then the CPU 298 may instruct the phone 260 to communicate that information to the appropriate cell site, in a manner as described above and is understood by those skilled in the art .

Regarding Claim 45

The Appellant argues with respect to arguments of claim 36. Please see response to arguments of claim 36. The rejection of claim 45 is maintained.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Holloway is directed to forwarding calls to a preferred second phone. Bartle is directed towards improved cellular phone providing call forwarding (see col. 2 lines 62-65).

Regarding claims 32-35 and 43.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The Applicant argues *Battle*, col. 7, lines 34-49. *Battle* does not disclose or suggest a call forward module including table of alternate network addresses associated with recognized wireless beacon identifiers, as recited in claim 32. The look up table of *Battle* is not a table of alternate network addresses associated with recognized wireless beacon identifiers, because the charging unit is not a wireless beacon. Furthermore, the binary number received from the charging unit does not identify the charging unit (and thus is not a beacon identifier).

Battle teaches a table of alternate network addresses associated with recognized identifiers (i.e., binary logic signals) (i.e., see at least col. 7 lines 50 –61) for the purpose of forwarding as taught by *Battle*. *Battle* does not specifically teach a cancel call forward module. *Waldman* teaches a cancel call forward module (i.e., see at least col. 8 line 60).

Regarding claims 8, 18-19 and 38.

The Appellant traverses the rejection of claims 8, 18-19 and 38 based on the arguments of independent claims 1,3, and 13. claims 8, 18-19 and 38 stands as rejected based on the Examiners response to arguments above.

Regarding claim 40

The Appellant traverses the rejection of claim 40 based on the arguments of independent claim 32. Claim 40 stands as rejected based on the Examiners response to arguments above.

Regarding claim 26

The Appellant traverses the rejection of claim 26 based on the arguments of independent claim 13. Claim 26 stands as rejected based on the Examiners response to arguments above.

Regarding claim 37

The Appellant traverses the rejection of claim 37 based on the arguments of independent claim 3. Claim 37 stands as rejected based on the Examiners response to arguments above.

Regarding claim 27

The Appellant argues Holloway, Battle and Mori does not disclose or suggest the features of claim 27. Holloway does not disclose or suggest providing a request to forward communications to an alternate communication device when a recognized transmitter identifier is received wherein a network address of the alternate communication device is determined based on the recognized transmitter identifier, as recited in claim 27. Battle does not disclose providing a request to forward communications to an alternate communication device when a recognized transmitter identifier is received wherein a network address of the alternate communication device is determined based on the recognized transmitter identifier, as recited in claim 27. As previously noted Appellant argues Holloway does not disclose or suggest that when a unique identification/s an expected value, a wireless mobile device selects an alternate network destination address corresponding to the unique identification and forwards the communications to the alternate network destination address, as recited in claim 36.

However, the Examiner respectfully disagree. It is understood from Holloway that the (1) a wireless communication interface configured to wirelessly transmit a unique identification of the wireless beacon to a wireless mobile device located within the wireless beacon coverage area wherein, when the unique identification is an expected value, the wireless mobile device selects

an alternate network destination address corresponding to the unique identification and forwards external communications to the alternate network destination address while the wireless mobile device is within the wireless beacon coverage area: in other words the identification is unique to the phone and the transmitter, otherwise, every wireless device within the vicinity of the prior art would react accordingly. It appears from the Applicants arguments that the prior art cannot discriminate and there is no correspondence between uniquely identifying what is being transmitted and the alternate address. However, it appears that if the assertion of the Appellant's argument was correct then there would be no way of discriminating between transmitters, mobile devices and alternate destinations. Furthermore, interfaces (phone and beacon) must be able to distinguish between one another e.g., how would a mobile phone know to ignore a beacon signal transmitted from a beacon that belongs to someone else (i.e., being selective about when to forward based on the signal received because the mobile is not in the vicinity of a transmitter it can recognize). The unique identification must be an expected value or the system would erroneously forward calls to unknown destinations based on any signal in any frequency band. Therefore, the Examiner respectfully submit that the prior art of record still reads on the claimed wireless beacon.

Appellant argues that Holloway does not disclose or suggest determining whether the wireless beacon is recognized and identifying an alternate network address based on a value received from a wireless beacon. The Appellant asserts that rather, Holloway discloses determining whether the phone and the transmitter are intended to work together based on a first signal, and receiving a telephone number associated with the transmitter via a second signal. Holloway states in paragraph 0020 that "a signal is received to forward calls", based on the first signal to

forward calls subsequent actions takes place to identify the alternate network address, however the subsequent actions are based on the value of the first signal. In other words, in claim 27 a value of a identifier is used as a basis for two additional actions based on the identifier 1) determination of whether the wireless transmitter is recognized and 2) identify an alternate address. Claim 27 outlines that an identifier is used as a basis for determining and not for the sole determination. Therefore, the claim language outlines how the identifier is used, but does not restrict how the determining of whether the wireless transmitter is recognized and to identify the alternate address to the first signal only. In other words, if the proper values are received the determination can takes place using a multiplicity of signals based on the first value.

Appellant argues Bartle also does not disclose the above argued feature of claim 27.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding claims 41 and 42

The Appellant traverses the rejection of claims 41 and 42 are based on the arguments of independent claim 32. Claims 41 and 42 stand as rejected based on the Examiners response to arguments above.

Regarding claim 44

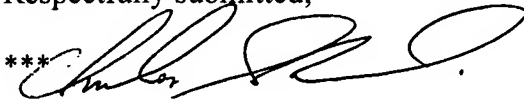
The Appellant traverses the rejection of claim 44 is based on the arguments of independent claim 36. Claim 44 stands as rejected based on the Examiners response to arguments above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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Conferees:

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LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER

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